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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,288	11/01/2001	Scott A. McCullough	GP-301388	2123

7590

06/04/2003

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EXAMINER

ELKASSABGI, HEBA

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/001,288

Applicant(s)

MCCULLOUGH, SCOTT A.

Examiner

Heba Elkassabgi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/01/2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the hazard switch within the passenger compartment in the first and second position, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). The objection to the drawings will not be held in abeyance. No new matter should be entered

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 5 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The hazard switch is critical or essential to the practice of the invention, but not included is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The Examiner suggests that the applicant further disclose as to what the hazard switch specifically is. The applicant needs give further details in the specification and the claims as to the hazard switch; currently what is known in the art as to a hazard switch in a vehicle is the push button

switch that is currently found vehicles. It is further suggested to the applicant to further disclose as to be more specific to the positions of the switch being in the first and second position, i.e. pressed in or pressed out. The examiner suggests this in order to further distinguish the applicant's invention from that of the prior art. No new matter should be entered.

The examiner further suggest that the applicant discloses if the circuit connection of hazard switch that applicant is claiming, whether the applicant is maintaining the same hazard switch that is currently used in vehicles or if a different type of switch will be placed in the vehicle. This is suggested by the examiner in order to further to distinguish the applicant's invention from that of prior art. No new matter should be entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bincardi (U.S. Patent 427558) and further in view of Quesnel et al. (U.S. Patent 6559558).

Bincardi discloses in Figures #1 and #2 a remote starting system (14)) that is connected to a vehicle power plant (combustion engine). A transmitter (12) that

actuates a remote starting system (14) to start a vehicle power plant (combustion engine). In which a hazard switch (receiver) (22) is located within a passenger compartment of a vehicle and that the hazard switch (receiver)(22) is in the first and second positions. When the hazard switch (receiver)(22) is in the first position the vehicle can be started by a transmitter (12) and when the hazard switch (receiver)(22) is in the second position the vehicle cannot be started by a transmitter (12). Additionally, the transmitter (12) is a radio frequency. However, Bincardi does not disclose specifically a switch, which is located within passenger compartment of a vehicle.

Quesnel et al. discloses in Figure #3 an on/off switch (hazard switch)(19) which is located within a housing that is placed in a passenger vehicles glove box or trunk, the purpose of the on/off switch (hazard switch) (19) being in a glove compartment or trunk is to guarantee to be in range of the transmitter.

It would have been obvious to one of ordinary skill in the art to combine the remote car system of Bincardi with that of the placement of the on/ff switch of Quesnel et al. in order to guarantee that the switch is within a receiving range to the transmitter.

In regards to the methods of connecting, coupling, enabling, and disabling in claims of #9, #13, and #14 they are inherent to the claimed structure as disclosed in Bincardi and Quesnel.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (703) 305-

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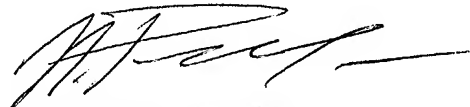
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2723. The examiner can normally be reached on M-Th (6:30-3:30), and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

H. Elkassabgi  
June 2, 2003



**Nicholas Ponomarenko**  
**Primary Examiner**  
**Technology Center 2800**